

JAN 04 2016

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DODLEY, CLERK
BY: 
DEPUTY CLERK

FRANK VIGIL, JR.,)	Civil Action No. 7:15-cv-00063
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
JOHN WALRACH, <u>et al.</u> ,)	By: Hon. Michael F. Urbanski
Defendants.)	United States District Judge

Presently before the court is pro se plaintiff Frank Vigil, Jr.'s motion for reconsideration of the court's December 10, 2015, Order granting defendants' motion for summary judgment. A party may make a motion to alter or amend a judgment pursuant to Federal Rule of Civil Procedure 59(e) under very limited circumstances: to accommodate an intervening change in controlling law, to account for new evidence not available at trial, to correct a clear error of law, or to prevent manifest injustice. Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998); see, e.g., Dove v. CODESCO, 569 F.2d 807, 809 (4th Cir. 1978).

After reviewing plaintiff's arguments, the court must deny plaintiff's motion because it does not address a change in controlling law or new evidence and fails to establish a clear error of law or manifest injustice. Motions to alter or amend judgment "may not be used, however, to raise arguments which could have been raised prior to the issuance of the judgment, nor may they be used to argue a case under a novel legal theory that the party had the ability to address in the first instance." Pac. Ins. Co., supra. Plaintiff's motion for reconsideration, which "is nothing more than a request that the district court change its mind," does not entitle him to relief. See, e.g., United States v. Williams, 674 F.2d 310, 313 (4th Cir. 1982). Accordingly, plaintiff's motion for reconsideration is **DENIED**.

The Clerk shall send a copy of this Order to the parties.

It is so **ORDERED**.

ENTER: This 4th day of January, 2016.
~~December, 2015.~~

/s/ Michael F. Urbanski

United States District Judge